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Chambers of Vincent L. Briccetti

APPLICATION GRANTED:

The deadline for all defendants to file an answer is stayed pending the Court's decision on defendants' motion to dismiss. (Doc. #41).

If appropriate, the Court will set deadlines for any remaining defendants to file an answer to the complaint in its decision on the motion to dismiss.

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

SO ORDERED:



Vincent L. Briccetti, U.S.D.J. 1/06/2021

LETITIA JAMES
ATTORNEY GENERAL

January 5, 2021

Honorable Vincent L. Briccetti
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *Houston v. Capra et al.*, 7:20-cv-02135 (VB)

Dear Hon. J. Briccetti:

This action is a 42 U.S.C. § 1983 action commenced by pro se plaintiff Tyrone Houston aka Tyrone Black. This Office represents all defendants. Currently before the Court is defendants' 12(b)(6) motion (Dkt. No. 41). The docket currently has a set of answer dates of three parties who have already moved pursuant to 12(b)(6) and one party is listed as unserved, though our records reflect service. Defendants request that the answers for these defendants be stayed until after the 12(b)(6) motion is decided and a single answer date be set for any defendants who remain after the motion is decided by this Court.

1. **Def. Lt. Perkins.** The docket states Perkins was "served on 12/2/2020 with an answer due 2/1/2021." (Dkt. No. 65) However, we have that this Defendant was previously served in the summer and we moved on his behalf in the 12(b)(6) motion.
2. **Def. Dinkins.** The docket states C.O. Dinkins was "served on 11/23/2020, answer due 12/14/2020." (Dkt. No. 66). However, we have that this Defendant was previously served 5/28/2020 and requested representation from this office, and we moved on C.O. Dinkins' behalf in the 12(b)(6) motion.
3. **Def. C.O. Bailey.** The docket states "[a]ttempted Service of Summons and Complaint. Service was attempted on 11/23/20" and is marked as unexecuted. (Dkt. No. 67). However, we have that Def. Bailey was served at Sing Sing and requested representation and we moved on her behalf in the 12(b)(6) motion.

4. **C.O. Simannelia.** The docket states “served on 11/22/2020, answer due 12/14/2020.” (Dkt. No. 68). The correct person is Robert Cimminelli per the Valentin response and Plaintiff’s letter to the Court (Dkts. 48, 50) and we have that he was served and requested representation after the motion was served. Defendants moved on his behalf in the reply and Plaintiff responded in a surreply.

Defendants request that the answers for these defendants be stayed until after the 12(b)(6) motion is decided and a single answer date be set for any defendants who remain after the motion is decided by this Court.

Respectfully submitted,
LETITIA JAMES
New York State Attorney General



AAG Janice Powers

Via regular mail to: Tyrone Houston - DIN: 11-A-5009 Fishkill Corr. Facility Box 1245 Beacon, NY 12508-0307